

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, January 7, 2008  
4:00 p.m.

MINUTES

CALL TO ORDER

Council President Sharon Konopa called the meeting to order at 4:03 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Dan Bedore, Jeff Christman, Bessie Johnson, Dick Olsen, and Sharon Konopa.

Councilors absent: Mayor Doug Killin.

BUSINESS FROM THE PUBLIC

Tom Cordier, 2240 Park Terrace, asked to speak. He said the City will be renewing their franchise agreement with Allied Waste Services (AWS). He thinks they do a great job, are on time, and friendly. His concern is that currently they do not accept plastic bags in their curbside recycling program, so plastic bags are put in the garbage instead and end up in the landfill. He has been told that no one out there takes the bags, yet Fred Meyer has a bin of plastic bag so there must be someone that does recycle them. He thinks AWS should research plastic bag recycling options further. He is not sure if anyone recycles styrofoam either, because it also ends up in the landfill. He asked the Council to instruct AWS to incorporate plastic bag recycling into their curbside program as part of contract negotiations.

Councilor Dan Bedore said that styrofoam, among other items, can be recycled in Corvallis at a transfer station off Ninth Street. Cordier said that AWS should take recycling items there for Albany.

ALLIED WASTE SERVICE CHANGES AND PROPOSED RATE INCREASE

Public Information Officer/Management Assistant Marilyn Smith passed out a new document from AWS, dated November 28, 2007, with an orange "x" in the left hand margin (see agenda file). This document is to replace the original in the agenda packet, because the overall rate increases listed on the original document were incorrect. The new rates represent an overall increase of 7.5%. Residential rates would increase of 9.4 %, commercial rates would increase 5.4% on average, and industrial rates would increase of 3.1% on average.

Kevin Hines, Operations Manager, and Carol Dion, General Manager, were at the meeting representing AWS. Hines said the city of Lebanon approved the rate increase already, and AWS will be meeting with the city of Millersburg and Linn County later in the week. The proposal includes the rate increases as well as a one-time account origination fee of \$10.00 for administration and delivery of carts, bins, and containers.

Hines said the rate increase is driven by implementation of a new automated co-mingled cart collection system to replace the current bin collection system. The program will begin in April and would incorporate one 30 gallon lidded container for all recycling. The container is small enough that customers can easily store it in their garage and then roll it to curbside on pick up day, which will be scheduled for the opposite week their yard debris is collected. The automated system should improve recovery rates and will ease recycling efforts for customers. The rate increase will cover higher disposal costs at landfills, higher fuel costs, four automated recycling trucks, and cost-of-living increases for employees.

Hines reviewed the AWS report.

Councilor Bessie Johnson asked, can plastic bags be recycled in the commingled container? Hines said that the vendor that processes the recyclable materials will not take plastic bags because they clog up the belts and can shut the processing system down. Eugene used to take them but discontinued the program because they clogged the processing system so frequently; and even with the collection program in place there were still so many bags discarded in the regular garbage being hauled to the landfill, that it wasn't worth it. If the plastic bags are separated, they can be bailed and recycled separately.

Dion said the depot has been collecting styrofoam off and on. The vendor in Portland that accepts styrofoam cannot handle the municipal quantities. He shut down for three months to use up his supply and just opened back up again to take in more. AWS is careful to not add a commodity that may not be available in the future.

Councilor Jeff Christman asked, how much of the 7.5% increase can be attributed to the new commingling program? Dion said the overall increase would have been 4-5% due to fuel costs without the commingling program. She noted that the cities of Bend and Salem collect comingled recycling every other week and their rates increased by more than \$3.00 a month.

AWS will not be requesting the old recycling bins back, although they will pick them up if a customer requests it.

Councilor Dick Olsen asked, what is AWS's relationship with the landfill? Dion said they have been a sister-company for 30 years. The landfill has a separate relationship with the Benton County. She did compare local landfill rates to other landfills; Coffin Butte charges \$44.00 per ton, the Hills charges \$39.00 per ton, and Riverbend charges \$30.00 per ton. AWS pays \$30.50 per ton, which is a commercial rate.

Olsen asked, are the trucks you already have paid off? Dion said they are on a ten-year depreciation schedule, purchased in 1999. They plan to keep to glass collection trucks and will be selling or internal transferring the others. The new trucks will be the same as the residential automated trucks. Olsen is concerned about sidewalks in his neighborhood being destroyed because the trucks are too big.

#### LINN COUNTY EXTENSION SERVICE SPECIAL DISTRICT PROPOSAL

City Manager Wes Hare explained that the Linn County Extension Service received notice that they would not be getting financial support from Linn County due largely to the impact of the reduction in federal timber receipts. In other Oregon areas the extension services are funded with tax funding.

Dan McGrath, from the Oregon State University (OSU) Extension Service, said they are proposing the formation of a 4-H and Extension Service District with a tax base of \$.07 per thousand dollars valuation. In the Council packets is a feasibility study, a copy of the petition that was filed with the Linn County clerk, and a sample resolution.

Bedore asked, would the tax base be your sole source funding? McGrath said no; Linn County pays for secretaries and the office, and OSU pays faculty salaries. The faculty in Linn County raises about \$100,000 in special grants. There are also a number of programs that are fee based, such as grass seed certification, master gardener, and 4-H. For about every \$1 received from the county, about \$4 comes from the state and federal government.

Bedore asked, will the 7 cents generated from the tax base replace that money? McGrath said yes.

McGrath said the compression study done by the assessor looked at all the levies in the county with or without service districts. He distributed the Linn County Assessor Compression Study document (see agenda file). He spoke with Fire Chief Kevin Kreitman and Police Chief Ed Boyd about the impact to the public safety levy. Police and fire would experience compression costing \$5,000 each. McGrath pointed out that the value of keeping 1-2 juveniles out of the system by engagement in Extension Service programs would offset public safety costs.

McGrath said the resolution would allow citizens to participate in an election to vote whether or not to form a service district. Secondly, it would allow citizens to receive services should the district pass. Passing the resolution at the January 9, 2008, Regular Session is timely because signatures need to be gathered for the petitions by March 31 in order to be on the November 2008 ballot.

Reid asked, are the compression calculations based on Linn and Benton County? McGrath said just Linn County, since those in North Albany (or Benton County) are not affected by this district.

Johnson asked, if Albany doesn't join the taxing district, would there be enough funding from other entities? She is surprised Albany was not the first entity to be approached. McGrath said this process started in late November, and due to the holidays there was a delay. If Albany doesn't join the district, it will create an issue since the Extension Service is housed in Albany. Also, Albany citizens would not benefit from the programs.

Olsen asked, do you have to have matching funds from the county in order to receive the federal money? He is concerned because the federal government shut down the Multnomah office because the tax levy did not pass. McGrath said it would not necessarily be shut down but it has happened in the past. Linn County has informally agreed to provide office and utilities for the time being. However, 16 counties have formed a service district and in those cases, the counties started to charge the extension service for office space. Linn County has been very supportive so far, but they are lacking money due to losses of federal forest receipts.

Councilor Ralph Reid said he has been on the Linn County Expo Center Board and confirmed that they had been running in the red until just last year. He is concerned that millage rate changes. McGrath said 7 cents is the maximum amount that can be taxed per state statute; but in all likelihood it could be less than that. The only way to change the amount would be to go back to the voters. He clarified that this is a district, not a levy.

McGrath introduced Skip Ray, the Vice Chair of Linn County Extension Association Board of Directors.

#### TRANSPORTATION SYSTEM PLAN TECHNICAL MEMORANDA

Civil Engineer III Jeni Richardson passed out inserts for the Transportation System Plan (TSP): Memo #6A, Ext Trips, and Memo #6B (see agenda file).

Richardson said Memo #6A summarizes our road corridor analysis to date. The first four alternatives document the regional bridge concepts that were discussed in July. Part of the impetus for the bridge analysis was understanding the number of vehicles that use the Albany road system as a hub to reach other destinations. The working document on External Trips explains this background information. The next alternatives document a package of state and local corridor improvements to handle traffic in 2030. She said to keep in mind that this is theoretical corridor level analysis, and the City hasn't looked at intersection improvements. Currently staff continues to work on the

intersection analysis where signal and turn lane modifications complement, and in some cases replace, the corridor projects described in Memo #6A.

Richardson said the second memo, Memo #6B, forms the first draft of the non-auto transportation solutions. The pedestrian, bicycle, transit, and other project maps have been reviewed by the public at four Open Houses held in July, October, and November and they complement existing Albany plans by Parks & Recreation, Community Development, and Transit, as well as the Benton County Rails with Trails project. In addition to project maps, this document also includes project lists with planning-level cost estimates and an estimated construction time-frame whenever that information was available.

Richardson said that these interim summaries document staff work and serve to keep the Council informed and involved with the TSP project. Over the next few weeks staff will summarize comments received from outside agencies and return to the Council for input and direction.

Olsen asked, does this include deleting roads in the downtown area? Richardson said these memos do reflect that level of detail. This overall view looks at potential corridor projects. Olsen is concerned that projects will recommend parking removal on downtown roads. City Manager Wes Hare explained that this project shows what road use will be like in the future and to get people thinking about what we can do to improve it. This is a planning document. We are not making any recommendations for solutions right now. There is a whole range of options to consider.

Regarding transmissions in Memo #6B, Reid asked, what kind are they? Richardson said pipelines, gas, water, and sewer. They did not look at power.

Christman said, 50 percent of highway traffic travels through Albany but does not stop here. He assumes they are going to I-5. He asked, are they headed north or south on I-5? Richardson said we can make deductions using the model and the job survey data (in transit section), but we have not done a detailed origin- to-destination study. The model output provides trip volumes on each road and can estimate origins and destinations.

Konopa said that removal of parking on Hill Street was part of the Transportation Master Plan; her concern is that it is not removed. Hare said this step does not reach that level of detail. We do need to consider what the options are, but in the end the policy making body will choose what to do.

Richardson said, as with all components of the TSP, including roads, we are committed to reach as many people as we can in as many ways as we can. For example, she has an email notification list of 200 people for Open Houses, and the list grows following each meeting with the public.

Richardson plans to present the roadway corridor and intersection component (Memo #6C) to the Council for a “fatal flaw” check before scheduling a public Open House.

#### PROPOSED AMENDMENT TO ALBANY-MILLERSBURG WASTEWATER TREATMENT PLANT

Utility Engineer Chip Ullstad introduced the attorney for the city of Millersburg, Forrest Reid.

Ullstad explained that the city of Millersburg is requesting that Albany amend the 1996 intergovernmental sewer service agreement (IGA) to allow discharge of industrial process wastewater from Peak Sun Silicon Corporation to the Wastewater Treatment Plant (WWTP). The 1996 agreement prohibits discharge of industrial wastewater from Millersburg customers. Albany and Millersburg City Councils adopted an update to the 1996 agreement as part of a joint venture to expand the WWTP. The updated agreement allows Millersburg customers to discharge process wastewater to the WWTP subject to Albany’s pretreatment requirements, but is not effective until the expanded WWTP becomes operational, approximately mid 2009.

Ullstad explained that Peak Sun is constructing a pilot process demonstration unit for production of electrical grade silicon that will be used to manufacture solar energy products. The discharge is expected to be approximately 10 gallons per minute of process wastewater, cooling blow down, and residential character wastewater from an office building. The process wastewater will be pretreated to meet all local, state and federal industrial pretreatment requirements.

Ullstad said staff has drafted an amendment to the current IGA that allows discharge of industrial process wastewater from Millersburg. This addresses the current request and future requests that may be made before the new agreement takes effect. Staff did not make the proposed amendment specific to Peak Sun’s discharge in order to minimize the administrative costs of bringing this issue before both City Councils and to avoid multiple reviews by the state Department of Environmental Quality (DEQ), in the event that another industrial user requires the same agreement.

DEQ has reviewed the proposed amendment and indicated they will approve it upon adoption by both City Councils.

Ullstad said that the action requested is to authorize staff to bring the amendment to the IGA the before Millersburg City Council at their January 8, 2008, Council Meeting. If the IGA is authorized by both Councils it will return to the Albany City Council at the January 9, 2008, Regular Session with a recommendation to adopt the resolution.

Johnson asked, you will not make it specific to this company? Ullstad said that is correct. It is not limited to Peak Sun, but is broad enough that if another company comes along we won't have to go through this process again.

Olsen asked, what is in their industrial waste? Ullstad said they will get a feedstock of silicone that they will purify. He said Albany will require detailed information regarding effluent characteristics as part of the pretreatment permitting process.

**MOTION:** Christman moved to authorize staff to present the city of Millersburg with the resolution. Johnson seconded the motion and it passed 6-0.

#### INTERGOVERNMENTAL AGREEMENT WITH MILLERSBURG FOR FIRE PROTECTION

Kreitman is asking for Council approval to enter into an IGA with the city of Millersburg for Albany to provide protection of property currently protected by the Jefferson Rural Fire Protection District. He said it may not be necessary to provide Millersburg with protection if they withdraw from the Jefferson Fire District and are able to annex the property to Albany Rural at the same time, but this interim agreement provides service in the event that they are not. Per ORS 190.010 guidelines, interim protection such as this requires Council approval.

Konopa asked, do we get reimbursed for administration fees, building maintenance, etc? Kreitman said the rate of compensation will be at \$2.00 per thousand, for five years, fixed, starting in July 2008.

Olsen would like a review of where the Albany Fire District ends and the Jefferson District begins. Kreitman said the north end of the paper mill and Arnold Road is the dividing line.

City Attorney Jim Delapoer cautioned the Council to give staff discretion to amend the draft agreement based on the ORS used for withdrawal from the Rural Fire District.

**MOTION:** Reid moved to enter into an Intergovernmental Agreement with the city of Millersburg for fire protection of property withdrawn from Jefferson Rural Fire Protection District if required, and to amend the agreement based on the ORS section utilized for the withdrawal of said property. Bedore seconded the motion and it passed 6-0.

#### ADDITIONAL PROPERTY ACQUISITION AT SPICER DRIVE AND THREE LAKES ROAD

Assistant Public Works Director Mark Shepard said that staff has been contacted by the owner of 3815 Spicer Drive with an offer to sell. A portion of this property is needed for the realignment of Timber Street. There is a house on the property that could remain there with the realignment. Staff is asking for Council authorization for surveying, appraisal, a Phase 1 environmental assessment, and to start negotiations. The Council would authorize the final sale when negotiations are complete.

Shepard said the funding was not identified in the TSP, but a similar property was acquired in November. If staff does get to the point of an agreement with the property owner, they will ask the Council to add purchase of this property to the list of Transportation System Development Charges (TSDC) funded projects by resolution so it would be eligible for TSDC funding. Based on the price paid for the other property in November, this property should be less than \$150,000. The amount of right-of-way (ROW) is close to 23,000 square feet.

Bedore is concerned that we are spending money on ROW for a project that is not high on our priority list. Shepard said because there is a willing seller, we should take this opportunity.

Reid said he learned with the Wastewater Treatment Plant project that it is far better to deal with willing sellers than unwilling sellers. He supports this purchase. Delapoer agreed, and added that if federal money is involved, to displace folks is costly so we should take opportunities such as this when they present themselves. This property has not been annexed into the City.

**MOTION:** Bedore moved to authorize the Public Works Director to secure an appraisal, perform a Phase 1 environmental assessment, perform surveying, and enter into negotiations for the purchase of the property. Reid seconded the motion and it passed 6-0.

#### PACIFIC BOULEVARD SAFETY IMPROVEMENTS

Shepard introduced Jerry Wolcott, Project Leader for Oregon Department of Transportation (ODOT). The portion of this project between Geary Street and 12<sup>th</sup> Avenue was discussed last February by the Council. Tonight's discussion will focus on Geary Street to the railroad tracks. The two major safety issues are cross traffic and merging. Some changes are within ODOT's jurisdiction while others will be in the City's jurisdiction.

Wolcott thanked Shepard and Transportation Systems Analyst Ron Irish for their work on this project. This safety program is funded by federal dollars.

Wolcott said that ODOT has a responsibility to act. He gave details about the two major issues.

1. Geary Street: There have been 47 accidents in two years, mostly rear ends. The Safety Priority Index System (SPIS) compares traffic volume to accidents, and this street has the highest SPIS rating in Oregon right now.
2. Sherman Street and Madison Street: Traffic attempts to cross Pacific Boulevard and risks getting t-boned, which results in serious injuries. Driver behavior is an issue as vehicles make dangerous attempts to get across.

Wolcott explained the striping changes outlined in the staff report. Also, ODOT is considering making Sherman Street, Main Street, and Madison Street one-way exits off of Pacific Boulevard in an attempt to reduce the t-bone accidents.

James Brooks, owner of the Union 76 station where Pacific Boulevard crosses Sherman Street, said he lost 50-60 percent of his business the first time Pacific Boulevard was realigned. He has been at that location for ten years and has seen a lot of accidents, mostly because drivers turn left from the middle lane. The middle lane backs up past his station every day because it is the only access to downtown Albany. He described other accidents, but feels the most common is the left turn from the center lane. He is concerned about the flow of traffic on Sherman Street because of access to his station but also because the gas stations are fueled by trucks, and it would be an awkward entry. He said he is finally just about at the same sales level he was ten years ago before the first realignment of Pacific Boulevard, so he certainly does not want to go backwards now. He is not sure how anyone can stop bad driving behavior; he has even witnessed vehicles driving the wrong way on Pacific Boulevard.

Olsen thinks it is unwise to make Madison Street a one-way. It should be left open so folks can cross at Madison Street and the light at Hill Street. Discussion followed.

Reid said we should consider widening the bridge to alleviate vehicles jockeying for position as the lanes merge. Discussion followed.

Wolcott said staff will be notifying businesses and property owners and start discussions with them.

#### CITY CHARTER REVISIONS UPDATE

This item was postponed until the Wednesday, January 9, 2008, Council Meeting.

#### COMMUNITY SURVEY UPDATE

This item was postponed until the Wednesday, January 9, 2008, Council Meeting.

#### COUNCILOR COMMENTS

Christman said the Linn Library League will be making a presentation to the Council. Olsen suggested the League show the impact to police and fire personnel their levy would have, if successful.

**MOTION:** Reid moved to approve the appointments to Boards, Committees, and Commissions made by Mayor Doug Killin. Johnson seconded the motion and it passed 6-0.

The Mayor's appointments to Boards, Committees, and Commissions are as follows:

##### *Albany Arts Commission*

Marsha Meidinger (Mayor's reappointment)  
Michael Moore (Mayor's new appointment)

##### *Albany Bicycle and Pedestrian Advisory Commission*

Steve Pensinger (Mayor's appointment to fill vacant position that expires December 31, 2008)

##### *Albany Budget Committee*

Steve Terjeson (Mayor's reappointment)

##### *Building Board of Appeals*

William Ryals (Mayor's new appointment)

##### *City Tree Commission*

Barb Bolden (Mayor's new appointment)

##### *Human Relations Commission*

Blanca Ruckert (Mayor's reappointment)

##### *Landmarks Advisory Commission*

Linda Herd (Mayor's reappointment)  
David Pinyerd (Mayor's reappointment)  
Robyn van Rossman (Mayor's new appointment)

***Library Board***

Ryan Mattingly (Mayor's appointment to fill vacant position that expires December 31, 2011)

***Parks & Recreation Commission***

Sharon Edwards (Mayor's reappointment)

John Vandepas (Mayor's reappointment)

***Planning Commission***

Scott Whitney (Mayor's new appointment)

***Public Safety Commission***

Floyd Collins (Mayor's reappointment)

***Senior Center Endowment Committee***

Marian Anderson (Mayor's reappointment)

Margo Coleman (Mayor's reappointment)

***Traffic Safety Commission***

Robert Fox (Mayor's reappointment)

Jerry Shipman (Mayor's new appointment)

***Cascades West Area Commission on Transportation***

Ralph Reid, Jr. (primary) (Mayor's reappointment)

Ron Irish (alternate) (Mayor's reappointment)

Smith said there are four vacant positions the Mayor is still attempting to fill; he hopes to have those appointments by Tuesday, January 8.

Cordier wished to speak again. He said he spoke with Hines from AWS in the hallway following their presentation to the Council. He suggested to Hines that since they will be doing a separate collection for oil and glass, that they pick up the plastic bags at that time also. He is hoping they implement his suggestion, but if they do not, he thinks the Council should require it.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:08 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, CMC  
Deputy City Clerk

Stewart Taylor  
Finance Director